

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

DANA JARVIS, *et al.*,)

Defendants.)

Case Number: CR 05 1849 JH

PROPOSED ORDER OF

RELEASE AND CONDITIONS

OF RELEASE

The above captioned matter having come on for hearing and the court being fully informed in the premises, the Court having advised the Defendant of the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release; the consequences of violating a condition of release, including the immediate issuance of a warrant for arrest; and of conduct relating to intimidation of witnesses, jurors, and officers of the court, obstruction of a criminal investigation tampering with a witness, victim or an informant and retaliation against a witness victim or an informant, and good cause appearing, IT IS HEREBY ORDERED THAT the Defendant Benjamin Thomas Swentnickas shall forthwith be released from custody pending trial of the above captioned matter on the following terms and conditions:

1. The defendant shall remain in the custody of his brother in law, Michael

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1 Higgins and his sister, Marie Higgins who shall assume supervisor and report any
2 violation of this release order to the court;

3 2. The Defendant shall maintain employment with his brother in law Michael
4 Higgins;

5 3. The Defendant shall reside at 2919 E. Linden Street, Tucson, Arizona 85716
6 with his brother in-law and sister, Michael and Marie Higgins; The Defendant
7 shall not travel outside of Pima County and shall have no association or contact
8 with any witness or Defendant in this case; The Defendant shall surrender his
9 passport, if any, to pretrial services;;

10 4. The Defendant shall report regularly to pretrial services as directed by the
11 agency;

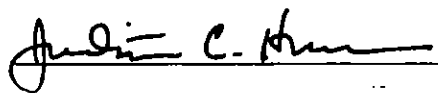
12 5. The Defendant shall refrain from excessive use of alcohol and shall not use any
13 non-prescription drugs;

14 6. The Defendant shall report to the Veteran's Administration hospital in Tucson
15 Arizona for the purpose of follow up care on his hip surgery;

16 7. The Defendant shall, within 10 days of the date of this Order deliver a
17 recorded deed of trust in favor of the United States to secure performance of this
18 order to the property set forth in the Motion to Set Conditions of Release;

19 8. The Defendant shall not commit a violation of any Federal, State, or local law
20 during the period of release and shall cooperate in providing a DNA sample upon
21 request by pretrial services.

22 Done in open court this 21st day of July, 2006.

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26 JUDITH C. HERRERA
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